

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
Corporation, and AMAZON.COM
SERVICES, LLC, a Delaware Limited
Liability Company,

Defendants.

Case No.: 2:21-cv-00750-RSL

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
FIRST AMENDED CONSOLIDATED
COMPLAINT**

NOTE ON MOTION CALENDAR:
January 28, 2022

1 Having considered Defendants' Amazon.com, Inc. and Amazon.com Services, LLC's
2 Motion to Dismiss the First Amended Consolidated Complaint, Plaintiffs' opposition to the
3 Motion, Amazon's reply in support of the Motion, and all papers and arguments submitted to the
4 Court, the Court FINDS that Plaintiffs' First Amended Consolidated Complaint fails to state any
5 claim upon which relief may be granted. In particular, after consideration of the Motion, the Court
6 HOLDS that the First Amended Consolidated Complaint fails to allege any plausible violations of
7 the California Invasion of Privacy Act, Cal. Penal Code §§ 631, 632; the Florida Wiretap Statute,
8 Fla. Stat. Ann. § 934.03; the Illinois Eavesdropping Statute, 720 Ill. Comp. Stat. § 5/14-2; the
9 Maryland Wiretap Statute, Md. Code Ann., Cts. & Jud. Proc. § 10-402; the Massachusetts Wiretap
10 Statute, Mass. Gen. Laws ch. 272, § 99; the Michigan Wiretap Statute, Mich. Comp. Laws
11 § 750.539c; the New Hampshire Wiretap Statute, N.H. Rev. Stat. § 570-A:2; the Pennsylvania
12 Wiretap Statute, 18 Pa. Cons. Stat. § 5703; the Washington Wiretap Statute, RCW § 9.73.030; the
13 Washington Consumer Protection Act, RCW § 19.86.20; the Federal Wiretap Act, 18 U.S.C.
14 § 2510, *et seq.*; or the Stored Communications Act, 18 U.S.C. § 2702. Accordingly, the Court
15 GRANTS Amazon's Motion to Dismiss under Rule 12(b)(6) of the Federal Rules of Civil
16 Procedure and **HEREBY DISMISSES WITH PREJUDICE** this action, including all causes of
17 action asserted in the First Amended Consolidated Complaint, in its entirety.

18 **IT IS SO ORDERED.**

19
20 DATED this ____ day of _____, 2022.

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THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

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